

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.200/2023

Kaushalya w/o Madhav Kavarke

...Versus...

State of Maharashtra, Through the Collector (Revenue), Yavatmal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri T.H. Bewali, Advocate for petitioner
Shri N.R. Patil, AGP for respondents

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/01/2023

1. Learned Assistant Government Pleader Shri N.R. Patil waives notice for all the respondents.
2. Heard Shri T.H. Bewali, learned counsel for the petitioner and Shri N.R. Patil, learned Assistant Government Pleader for the respondents.
3. The limited question involved is whether the impugned order dated 15/12/2021 which imposes penalty upon the excavator/loader by the Tahsildar is permissible.
4. Shri Patil, learned Assistant Government Pleader fairly concedes that the penalty can only be imposed by the Sub

Divisional Officer under the authorization by the Collector and not by the Tahsildar, considering which, the impugned order is hereby quashed and set aside. The vehicle be returned to the petitioner. Needless to mention that it shall be open for the appropriate authorities to take action, if permissible in law.

5. The writ petition is accordingly allowed and disposed of. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar